

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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WARREN LANE,

Plaintiff,

-v.-

Civil Action No.  
9:07-cv-751 (GLS/DEP)

SHARON E. CARPINELLO, Commissioner,  
New York State Office of Mental Health;  
DONALD SAWYER, Director; SHARON  
BARBOZA, M.D.; JEFFREY NOWICKI,  
Social Worker; ANTHONY LUCENTI,  
Social Worker; J. CROCIATA, Nurse;  
MICHAEL BABULA, Treatment Assistant;  
FRANK MENZ, Treatment Assistant;  
STEPHEN COPPOLA, Treatment  
Assistant Central New York Psychiatric  
Center; and BARBARA BEBE, Facility  
Review Specialist, New York State  
Commission for Quality of Care,

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

WARREN LANE  
Plaintiff, *Pro Se*  
2440 Hunter Avenue #10C  
Bronx, New York 10475

**FOR THE DEFENDANTS:**

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
The Capitol  
Albany, New York 12224-0341

DEAN J. HIGGINS  
Assistant Attorney General

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed August 31, 2009. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed August 31, 2009 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the plaintiff's motion for partial summary judgment (Dkt. No. 57) is DENIED, defendants' cross-motion for summary judgment (Dkt. No. 79) is GRANTED, and the plaintiff's complaint is DISMISSED in its

entirety, and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

IT IS SO ORDERED.

Dated: September 24, 2009  
Albany, New York

Gary L. Sharpe  
Gary L. Sharpe  
U.S. District Judge